

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

COVARSIA DILL,

Plaintiff,

J. IVES, et al.,

Defendants.

Civil No. 10cv1494-W (CAB)

**ORDER DENYING WITHOUT
PREJUDICE MOTION TO COMPEL
DISCOVERY**
[Doc. No. 26]

On May 18, 2011, plaintiff filed a motion for order compelling discovery. [Doc. No. 26.] In the motion, plaintiff seeks an order compelling the production of certain records and information. However, there is no evidence that a) plaintiff has propounded a written discovery request on defendants and b) defendants either failed to respond to the discovery request or provided an insufficient response. See Fed. R. Civ. P. 37(a)(3)(B), (4); James v. Wash. Depot Holdings, Inc., 240 FRD 693, 694-695 (S.D. Fla. 2006). Given that there is no underlying discovery request upon which this court can rule, the motion is **DENIED WITHOUT PREJUDICE**.

DATED: May 18, 2011

CATHY ANN BENCIVENGO
United States Magistrate Judge